

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|----------------------------------|
| Baru Trump, |) | C/A No. 0:10-310-HFF-PJG |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | REPORT AND RECOMMENDATION |
| |) | |
| David M. Pascoe, Jr., Solicitor of the 1st |) | |
| Judicial Circuit of South Carolina, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This civil rights action is before this court pursuant to 42 U.S.C. § 1983. The plaintiff, Baru Trump ("Plaintiff"), initiated this action and filed his Complaint on February 8, 2010. (ECF No. 1.) Initially, the Plaintiff was represented by counsel; however, on June 10, 2010, the Plaintiff's attorney was relieved as counsel. (ECF No. 7.) The Plaintiff, therefore, is now representing himself.

As the Plaintiff is now proceeding *pro se*, the court issued an order on June 21, 2010 informing the Plaintiff that, if he still wished to proceed with his case, he was responsible for service of process in compliance with Rule 4 of the Federal Rules of Civil Procedure. (ECF No. 15.) In its order, the court extended the Plaintiff's time by thirty days in which to serve the Summons and Complaint.

As of the date of this order, more than 120 days has passed since the Plaintiff initiated this action by filing his Complaint. The Federal Rules of Civil Procedure require a plaintiff to serve a defendant within 120 days after the complaint is filed and, unless service is waived, to provide proof of service to the court. Fed. R. Civ. P. 4(l)(1) and 4(m). Despite the court's order extending the Plaintiff's time for service, the Plaintiff has neither filed proof of service with the court nor presented

good cause for failing to serve the defendant. Accordingly, the court recommends that the Complaint in this matter be dismissed without prejudice pursuant to Rule 4(m).



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

August 20, 2010
Columbia, South Carolina

The parties' attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).